

Remarks/Arguments:

Claims 1-10 are pending in the present application. All claims are rejected in an Office Action dated June 9, 2004 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,230,013 to Wallentin et al. (hereinafter, Wallentin) in view of U.S. Patent No. 5,956,641 to Bruckert et al. (hereinafter, Bruckert). Previously, the undersigned and the Examiner engaged in a telephone interview, summarized in detail below, concerning references of record to Wallentin and Nakamura (U.S. Patent No. 5,878,350). The records of the undersigned indicate that interview occurred over three days: April 22-23, 2004 and May 17, 2004. Whereas the Office Action of June 9, 2004 dates the interview on April 21, 2004, the undersigned does not consider the date discrepancy relevant.

Interview Summary:

An interview occurred over three days concerning the same subject matter: the undersigned characterized the Nakamura reference on April 22, 2004; the Examiner called the undersigned on April 23, 2004 following the Examiner's further study of Nakamura and other cited references, and the Examiner called the undersigned on May 17, 2004 after consulting with his supervisor.

During the interview on April 22, 2004, the undersigned characterized the Nakamura reference as teaching a power control interval (and a related combination interval) that is a chronological interval over which transmission power is adjusted, and not an increment by which transmission power is increased or decreased. Specifically, it was asserted that Nakamura uses the term 'power control interval' to describe a time step at which a level of transmission power might be adjusted, and the term 'power control information' to describe a level of transmission power. For example, col. 2, lines 25-26 recites power control interval as shorter than a frame; col. 2, lines 54-56 recites a power control interval as shorter than a combination interval; and Figures 1 and 5 illustrate the power control interval as an increment along the horizontal time axis (1.25 msec. in prior art Figure 1). It was asserted that the term *shorter* is inconsistent with a level of transmission power. Conversely, col. 5, lines 59-64 refer to power control information to 'lower the upward transmission power' with reference to an SIR (signal to interference ratio) value; and Figures 1 and 5 depict SIR along the vertical axis. Nakamura teaches at col. 5, lines 13 to col. 6, line 15, that a (receiving) base station may provide a power control interval to a combining station during a soft handover.

The undersigned asserted that Nakamura was not seen to teach that the (receiving) base station provide power control information during that same soft handover.

In contradistinction, claim 1 recites “transmitting information limiting the transmission power in said macrodiversity connection branch from the drift radio network controller to the serving radio network controller” (for brevity, power limiting information), and “transmitting the information controlling the transmission power of said macrodiversity connection branch from the serving radio network controller to the drift radio network controller” (for brevity, power controlling information). The undersigned contended that the time-based power control interval of the Nakamura receiving base station does not anticipate, teach or suggest the power limiting information from the drift RNC in the above claim. As it was not contested that the remaining references (Wallentin and Rahman), alone or in combination, do not teach or suggest the power limiting/power controlling aspects of claim 1, the undersigned asserted that their combination with Nakamura as characterized above cannot render claim 1 obvious. Further, it was contended that independent claims 6 and 7 each include a clause similar to the power limiting information clause of claim 1 above, and that the power control interval of Nakamura is not a change in connection parameter as in independent claims 8 and 9, which specifically refer to load control. For those reasons, the undersigned contended that all claims should be non-obvious.

In the follow-up discussion on April 23, 2004, the Examiner indicated that upon further study of the references, Nakamura appeared to teach as represented by the undersigned in the April 22, 2004 telephone interview. The Examiner reported via teleconference on May 17, 2004 that his supervisor also agreed, and that a written response to the Advisory Action of April 2, 2004 would be required in order to rescind or override the Final Rejection of December 15, 2004. The undersigned filed such a response on May 17, 2004, with a brief summary of the telephone interview.

Remarks concerning the current Office Action:

In an Office Action dated June 9, 2004, the Examiner has rejected all pending claims 1-10 over Wallentin in view of U.S. Patent No. 5,956,641 to Bruckert et al. (hereinafter, Bruckert) and Rahman. Bruckert is cited for disclosing transmitting information limiting transmission power from a drift radio network controller RNC to a serving RNC, information controlling

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transmission power from the serving RNC to the drift RNC, and information controlling transmission power from the drift RNC to the drift base station BS. Neither Wallentin nor Rahman is asserted to anticipate, teach, or suggest the above aspects of claim 1.

It is noted that the present application is a U.S. National Stage entry of PCT application PCT/FI99/00110. By the national stage entry transmittal letter to the U.S. PTO and the cover page of the published PCT application (publication no. WO 99/41850), that PCT application claims priority to 16 February 1998 (via FI 980348). The earliest priority date of Bruckert is seen to be 30 March 1998, so the Bruckert reference is not seen to be valid prior art against the present application. The Applicant's traverse of the Bruckert reference by priority date without commenting on its substance is not to imply that the Applicant agrees that Bruckert teaches or suggests what the Examiner contends in the cited Office Action.

As all claim rejections rely on Bruckert, it is respectfully requested that the Examiner withdraw the rejections and pass the claims to issue without further delay. Should the Examiner have any questions or comments, the undersigned remains available to discuss or clarify any outstanding issues via teleconference at the Examiner's discretion.

Respectfully submitted:


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